

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----x  
GAUTAM PATEL, JALAL BHUIYAN, :  
CONRAD DSOUZA, VICTOR MONTEIRO, :  
SIMON MALDONADO, MOHAMMED FARID UDDIN, :  
FAYSAL ABEDIN, ABDUL ALI, JAVIER :  
SOBERAN PEREZ, MOHAMMED TAHER, :  
RAJINDER SINGH, HARJINDER SINGH, :  
JESUS MALDONADO, SANTIAGO REYES, :  
ANWAR HUSSAN MALIK, MOHAMMED JAHANGIR :  
ALAM, NEVILLE PEREIRA, and ALFREDO :  
("PABLO JUNIOR") MALDONADO, on behalf :  
of themselves individually and all others similarly situated, :  
Plaintiffs, :  
v. :  
BALUCHI'S INDIAN RESTAURANT, :  
KRAJ FOODS, INC., d/b/a/ :  
BALUCHI'S, PARAMOUNT FOODS, INC., d/b/a/ :  
BALUCHI'S, GATEWAY FOODS, INC, d/b/a/ :  
BALUCHI'S, DOES 1-10, d/b/a/ BALUCHI'S and :  
RAKESH AGGARWAL :  
Defendants. :  
-----x

Civ. Action No.:  
08 CIV 9985 (RJS)(THK)

**PLAINTIFFS' MEMORANDUM OF LAW CONCERNING  
OBJECTIONS TO THE SETTLEMENT**

In accordance with the Court's order granting preliminary approval of the settlement, entered January 5, 2011 (the "Preliminary Order"), Plaintiffs submit this memorandum of law addressing objections to the Settlement.

As set forth in the Preliminary Order and the Notice to the Class, the deadline for filing objections to the Settlement was March 23, 2011. At this time, Plaintiffs are not aware of any objections to the Settlement. The absence of objectors strongly supports final approval of the Settlement. *See, e.g., D'Amato v. Deutsche Bank*, 236 F.3d 78, 86-87 (2d Cir. 2001) (small

number of objectors (18 from a class of 27,880, or approximately .06% of the total Class), weighed in favor of settlement).

In addition, there have been only two requests for exclusion from the Settlement, copies of which are attached hereto as Exhibit A. The deadline for filing requests for exclusion was March 9, 2011. The small number of requests for exclusion, representing approximately 1.7% of the Class, additionally favors final approval of the Settlement. *See Diamond v. Fogleman*, 1992 U.S. Dist. LEXIS 9734, at \*9 (E.D.N.Y. June 24, 1992) (the reaction of the class favored settlement approval where requests for exclusion represented 1.97% of the Class).

For the reasons set forth herein, and in Plaintiffs' Memorandum Of Law In Support Of Final Approval Of Class Action Settlement, Plaintiffs respectfully request that the Court grant final approval of the Settlement.

Dated: March 30, 2011  
New York, New York

GISKAN SOLOTAROFF ANDERSON & STEWART LLP

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Catherine E. Anderson (CA 5129)  
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New York, NY 10004  
(212) 847-8315

*Attorneys for Plaintiffs and the Class*

# EXHIBIT A

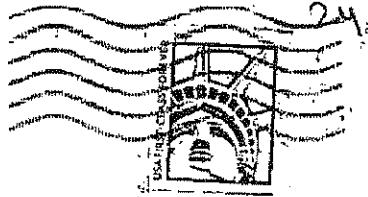
NEW YORK NY 100

D4 MAR 2021 PMS 1 T

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Patel v Baluchi's settlement  
Settlement Administrator  
c/o A.B Data Ltd  
P.O. Box 170500  
Milwaukee  
WI 53217-8042

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MAR 07 2011

## Patel verses baluchis settlement

I **INFN KHUKAN** donot want to participate in the settlement.

I want to exclude myself in this case.

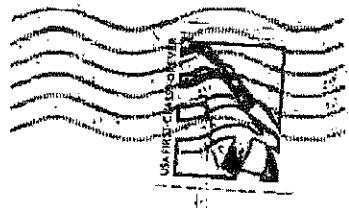
I donot want to be a part of this settlement  
(Patel verses baluchis settlement)

*bHOKAN*

Baluchis  
329 3rd ave  
ny, 10010

NEW YORK NY 100

04 MAR 2011 PM 11 T



FROM  
Ab. Amjad  
97-08, 25th Ave  
East Elmhurst  
N.Y - 11369

23217+6042

To

Patel v Baluchis Settlement  
Settlement Administrator  
c/o A.B Data Ltd  
P.O. Box 170500  
MILWAUKEE

W.I. 53217 8042



## Patel verses baluchis settlement

MAR 07 2011

I ALI AMJAD donot want to participate in  
the settlement.

I want to exclude myself in this case.

I donot want to be a part of this settlement  
(Patel verses baluchis settlement)

A handwritten signature in black ink that appears to read "Ali Amjad".

Baluchis  
329 3rd ave  
ny, 10010